

IN THE MATTER OF the *Public Health Act*, RSPEI 1988, c P-30.1 (“Act”).

VACCINATION INFORMATION AND TESTING ORDER
for community care facilities, long-term care facilities and nursing homes

WHEREAS a state of public health emergency was declared in Prince Edward Island on March 16, 2020 as a result of the COVID-19 pandemic pursuant to Order in Council EC2020-174, and continued on April 15, 2020 by Order in Council EC2020-254, on May 15, 2020 by Order in Council EC2020-305, on June 15, 2020 by Order in Council EC2020-350, on July 14, 2020 by Order in Council EC2020-435, on August 14, 2020 by Order in Council EC2020-488, on September 13, 2020 by Order in Council EC2020-542, on October 13, 2020 by Order in Council EC2020-603, on November 12, 2020 by Order in Council EC2020-649, on December 12, 2020 by Order in Council EC2020-724, on January 11, 2021 by Order in Council EC2021-1, on February 10, 2021 by EC2021-71, on March 12, 2021 by Order in Council EC2021-138, on April 11, 2021 by Order in Council EC2021-271, on May 11, 2021 by Order-in-Council EC2021-407, on June 10, 2021 by Order-in-Council EC2021-494, on July 10, 2021 by Order-in-Council EC2021-577 and on August 9, 2021 by EC2021-658;

AND WHEREAS the *Community Care Facilities and Nursing Homes Act*, RSPEI 1988, Cap. C-13 Regulations and Nursing Home Regulations provide that all staff on duty shall be free of communicable disease in a communicable form, and all staff on duty shall be free of communicable disease that poses a significant risk to the residents, respectively, and that staff may be required by an inspector or a public health officer to undergo medical examination;

AND WHEREAS pursuant to clause 49(2)(a) of the Act, I may take special measures during a state of public health emergency including, but not limited to, issuing directions for the purpose of controlling infection to an institution, health facility, corporation, health care organization, health professional or health care provider;

AND WHEREAS pursuant to clause 49(2)(g) of the Act, I may take any other measure I reasonably believe is necessary for the protection of the health of the population during the public health emergency;

AND WHEREAS pursuant to subsection 39(1) of the Act, I, as the Chief Public Health Officer, may require a person to take or refrain from taking any action that is specified in this Order in respect of a communicable disease;

AND WHEREAS I, as the Chief Public Health Officer, pursuant to subsection 39(2) of the Act, believe on reasonable and probable grounds that:

- (a) a communicable disease, COVID-19, including any new variants of the virus causing COVID-19, exists or may exist in the Province;
- (b) the communicable disease presents a risk to the health of persons in the Province; and
- (c) the requirements specified in this Order are necessary to prevent, decrease or eliminate the risk to health presented by the communicable disease;

AND WHEREAS pursuant to subsection 56(1) of the Act, I, as the Chief Public Health Officer, may require any person to provide information that the Chief Public Health Officer reasonably considers necessary to assess the threat that a disease presents to public health and plan for and address the threat or evaluate and monitor the health and safety of the general public.

AND WHEREAS the reasons for this Order are the global COVID-19 pandemic, the health risks posed by the pandemic, including health risks posed by new variants of the virus causing COVID-19, and the necessity to prevent, decrease or eliminate those health risks in the facilities that are subject to this Order;

AND WHEREAS, at the time of making this Order, recommendations from the National Advisory Committee on Immunization inform that approximately two weeks after receiving a completed series, currently authorized vaccines in Canada have been shown to be highly efficacious in the short term against confirmed symptomatic COVID-19 disease, appear to be efficacious against severe COVID-19 outcomes such as hospitalization or death, and may reduce infection and transmission of the COVID-19 virus;

AND WHEREAS the majority of COVID-19 cases currently occur among individuals who are not vaccinated with an authorized vaccine, and unvaccinated individuals increase the likelihood of transmission to other vaccinated and unvaccinated individuals;

AND WHEREAS community care facilities, long-term care facilities and nursing homes are closed facilities with direct patient care among vulnerable residents which increases the risk of individual disease transmission and outbreaks;

AND WHEREAS the vaccination and testing of individuals who work in the facilities subject to this Order, and the sharing of the information relating to this vaccination and testing with me, will assist to prevent transmission of the virus and the associated illness and death and to protect the residents and staff of the facilities subject to this Order;

NOW THEREFORE pursuant to my authority granted under sections 39, subsection 49(2) and section 56 of the Act, I hereby order as follows:

1. In this Order, the definitions in the Chief Public Health Officer COVID-19 Prevention and Self-Isolation Order, as may be amended from time to time, apply and have the same meaning in this Order except as otherwise defined in this Order:
 - (a) "community care facility" means a community care facility as defined under clause 1(d) of the *Community Care Facilities and Nursing Homes Act*;
 - (b) "employer" means persons who employ staff who work in facilities including operators, contract employers and organizations directly affiliated with the work volunteers perform at a facility;
 - (c) "facility" means a long-term care facility, nursing home or community care facility;
 - (d) "long-term care facility or nursing home" means the following establishments:

- (i) nursing homes as defined under clause 1(j) of the *Community Care Facilities and Nursing Homes Act*; and
 - (ii) long-term care facilities which are operated by or on behalf of the Department of Health and Wellness or Health PEI.
- (e) “multiple-resident visitors” means persons who enter a facility to perform their duties by visiting multiple residents in that facility including clergy and political candidates, as applicable, but not including designated visitors or partners in care as defined in the Chief Public Health Officer’s Long-term Care Facilities and Nursing Homes Visitation and Staff Movement Order, as may be amended from time to time;
- (f) “operator” means the person or organization responsible for the management and operation of a facility;
- (g) “resident” means a resident of a community care facility, long-term care facility or nursing home;
- (h) “staff” means individuals who are employees, contracted workers and volunteers who perform work at a facility, and
 - (i) includes for the purposes of this Order, multiple-resident visitors and persons providing occasional service inside the facility such as entertainers, personal service providers, healthcare providers and persons performing property maintenance who may have contact with residents;
 - (ii) but does not include for the purposes of this Order, persons providing occasional service inside the facility such as entertainers, personal service providers, healthcare providers and persons performing property maintenance who do not have contact with residents;
- (i) “unvaccinated”, for the purposes of this Order, means staff who are not fully vaccinated and includes staff who do not provide information to the operator of the facility employing them on whether or not they are vaccinated; and
- (j) “vaccinated” for the purpose of this Order, means individuals who are fully vaccinated.

STAFF VACCINATION INFORMATION COLLECTION

2. An operator shall collect information from all staff on whether or not they are vaccinated before staff perform work at the facility. This information shall include a statement from the staff person that they are fully vaccinated or that they are not fully vaccinated. The facility shall advise the staff person that the Chief Public Health Officer may contact the staff person and request consent to verify, if necessary and from Chief Public Health Officer records, whether or not the person is fully vaccinated if they state they are fully vaccinated.

3. Staff of a facility who, when requested by the operator of the facility to provide the information under section 2 do not provide to the operator the information outlined in section 2, shall be considered to be unvaccinated for the purposes of this Order.
4. The operator of a facility shall compile the information collected under section 2 in written or electronic format, in an accurate and legible record for the purpose of providing the record to the Chief Public Health Officer. The operator must provide the record to the Chief Public Health Officer in accordance with this Order. The operator must ensure the record is stored in a safe, secure location to maintain the confidentiality of personal information collected under this Order.

COVID-19 TESTING AND CONTROL MEASURES FOR UNVACCINATED STAFF

5. Effective September 7, 2021 at 8 a.m., operators are prohibited from permitting unvaccinated staff to work in a facility, unless the staff comply with the following measures:
 - (a) Unvaccinated staff must wear a mask which covers their nose and mouth when in a facility, or when accompanying a resident away from a facility, except when the staff person is in a location away from residents consuming a food or beverage.
 - (b) Unvaccinated staff must be tested for COVID-19 by means of a rapid test at a facility on every shift or on entrance to the facility, to a maximum of three times per week, for staff persons who regularly attend the facility.
 - (c) If a rapid test result for an unvaccinated staff person is positive, the unvaccinated staff person must:
 - (i) notify the operator, and employer if not the operator, of the test result,
 - (ii) leave the facility as soon as it is operationally safe to do so,
 - (iii) arrange to have a COVID-19 molecular test as soon as possible,
 - (iv) self-isolate until they receive their COVID-19 molecular test or as advised by a public health official,
 - (v) advise the operator and employer, if not the operator, of the result of the COVID-19 molecular test, and
 - (vi) not return to the facility, unless the result of the COVID-19 molecular test is negative, or if the COVID-19 molecular test result is positive, in accordance with the COVID-19 Prevention and Self-isolation Order.
6. An operator of a facility must ensure that staff do not enter or remain in a facility in contravention of section 5.
7. Staff must not enter or remain in a facility in contravention of section 5.

TESTING INFORMATION COLLECTION

8. An operator shall record the following information in written or electronic format, on a per shift basis, in an accurate and legible record for the purpose of providing the record to the Chief Public Health Officer, on request by the Chief Public Health Officer.
 - (a) the name of each staff person on that shift who is fully vaccinated;
 - (b) the name of each staff person on that shift who is not fully vaccinated and the results of the staff person's rapid test required under clause 5 (b) or a statement that the staff person does not have a test result for that shift due to reaching the maximum number of weekly tests required under clause 5 (b);
 - (c) the name of each staff person on that shift who was excluded from the workplace, including reasons for exclusion, due to:
 - (i) a positive rapid test;
 - (ii) a positive COVID-19 molecular test; or
 - (iii) symptoms of COVID-19.
9. The operator must ensure the record is stored in a safe, secure location to maintain the confidentiality of personal information collected under this Order.

COVID-19 INFORMATION TRANSMISSION

10. Effective September 13, 2021, operators shall forward the following information to the Chief Public Health Officer each week:
 - (a) the name of the facility;
 - (b) the number of residents at the facility during the week;
 - (c) the number of staff at the facility during the week;
 - (d) the number of unvaccinated staff at the facility during the week;
 - (e) the number of rapid tests performed at the facility during the week;
 - (f) the number of positive rapid tests received at the facility during the week;
 - (g) the number of rapid tests performed at the facility since September 7, 2021;
 - (h) the number of rapid tests that the facility has in its inventory.
11. An operator shall immediately contact the Chief Public Health Officer or a public health official as soon as the operator has been advised of a staff person's positive test under subclause 5 (c)(i).

GENERAL

12. On entering a facility, persons providing occasional service inside the facility such as entertainers, personal service providers, healthcare providers and persons performing property maintenance who do not have contact with residents must wear a mask and maintain a two-metre distance from other persons at all times while inside the facility.
13. Notwithstanding anything in this Order, the Chief Public Health Officer may:
 - (a) exempt an operator or staff from the application of any section of this Order under exceptional circumstances or on reasonable grounds; and
 - (b) impose, on any operator or staff exempt from the application of any section of this Order under clause (a), public health measures consistent with this Order to minimize the risk of introduction or spread of COVID-19.
14. For greater certainty, nothing in this Order limits the operation of the Act or its regulations or restricts the ability of the Chief Public Health Officer to issue public health orders or other orders or directives, as necessary.
15. This Order:
 - (a) is effective on September 3, 2021 at 8 a.m., with particular sections of this Order coming into effect as indicated; and
 - (b) shall remain in effect for the duration of the public health emergency in the Province, unless earlier amended or revoked.

TAKE NOTICE that failure to comply with this Order is an offence for which you may be liable on summary conviction in accordance with section 66 of the Act.

DATED at Charlottetown, Queens County, Prince Edward Island this 3rd day of September, 2021.



Dr. Heather Morrison
Chief Public Health Officer